

Turkey (Tier 2)

Turkey is a source, destination, and transit country for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims found in Turkey originate from Georgia, Moldova, Ukraine, Uzbekistan, Turkmenistan, Azerbaijan, Russia, Indonesia, Afghanistan, Belarus, Kyrgyzstan, Romania, Armenia, Kazakhstan Morocco, Syria and Mongolia. Turkish women are subjected to forced prostitution within the country. According to local experts, sex trafficking victims are forced into prostitution in illegal brothels or are "leased" by clients and kept in private residences or hotels. A recent report claimed that children involved in the drug trade, prostitution, and pick pocketing in Turkey are vulnerable to exploitation by criminal groups. The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. The government stepped up its identification of trafficking victims and increased funding for NGO shelters to remedy a previous funding shortfall and ensure their operation during the year. The government, however, did not secure a sustainable budget for NGOs providing critical care and assistance. It sustained efforts to prosecute and convict trafficking offenders in 2011, though courts continued to acquit a significant number of suspected trafficking offenders.

Recommendations for Turkey: Continue to develop comprehensive anti-trafficking legislation to explicitly criminalize forced labor and forced prostitution without the precondition of movement, consistent with international standards and establish a comprehensive victim-centered framework for assistance, including institutionalized funding and partnerships with NGOs; develop a mechanism to identify potential victims of labor and sex trafficking in partnership with NGOs and other stakeholders, such as labor inspectors; increase incentives for victims to voluntarily cooperate in the investigation and prosecution of their traffickers, including by appointing a victim witness advocate to ensure a continuum of care; allow potential victims some time to recover from their trafficking experiences and to make informed decisions before they are required to give official statements; establish a case-based analysis of trafficking cases to help desegregate possible smuggling statistics from Article 80; assess why a significant number of prosecuted trafficking cases result in acquittals; establish a victim assistance fund from fines levied against convicted traffickers for this purpose; and develop specialized care for children who are subjected to trafficking, and men who are subjected to forced labor.

Prosecution

The Government of Turkey sustained its anti-trafficking law enforcement efforts during the reporting period. Article 80 of Turkey's penal code prohibits both sex trafficking and forced labor, and prescribes penalties of eight to 12 years' imprisonment - which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. This statute, however, places emphasis on the movement, rather than the exploitation, of victims and does not explicitly prohibit trafficking occurring within Turkey's borders; this is not consistent with international standards. The government initiated a draft comprehensive trafficking law to remedy these deficiencies in 2011. The government reported that it prosecuted 409 trafficking suspects under Article 80 during the period of January through September 2011, of whom 232 were acquitted. This rate of acquittals represents a significant increase compared to the previous year when courts acquitted 150 of 430 suspects prosecuted. Because of Article 80's emphasis on the movement of persons, the government's prosecution data likely includes smuggling statistics. An NGO observer noted an overall low number of traffickers convicted and sentenced for trafficking offenses committed in Turkey. The government reported the conviction of 16 trafficking offenders under Article 80; these offenders received sentences of five to eight years' imprisonment. Courts reportedly convicted another 16 trafficking suspects under a "mediation in prostitution" statute, Article 227, which carries much lighter penalties; these 16 offenders received a range of sentences from one month to four years' imprisonment. Turkish law allows for the suspension of prison sentences of two years or less under certain conditions. Notably, in September 2011, the government cooperated with the Government of Armenia to successfully extradite an alleged Armenian trafficker from Turkey. During the year, the police reported that three of their nine anti-trafficking operations uncovered forced labor crimes and victims, primarily in the domestic servitude, begging, construction, and entertainment sectors. The police also reported the arrest of a Turkish government official for his suspected involvement in sex trafficking as a result of these operations. Complicity in trafficking by government employees continued to be a problem; the government did not take any additional action stemming from a 2009 prosecution involving three police officers or report any follow-up to its 2008 investigation of 25 security officials for trafficking complicity.

Protection

The Government of Turkey demonstrated progress in identifying and protecting sex trafficking victims in 2011. According to the Ministry of Interior (MOI), the government identified 82 trafficking victims in 2011, an increase from the 58 victims it identified in 2010. Notably, local police in Antalya included an NGO in victim identification interviews in 2011, which resulted in the identification of 29 trafficking victims. According to regional experts, Turkish authorities do not ensure that NGOs are engaged early in the identification process and as a consequence officials inadvertently deported some foreign trafficking victims. Thus the government continued to arrest and deport individuals without adequate efforts to identify trafficking indicators among men, women, and children. Three anti-trafficking NGOs provided shelter to a total of 39 victims, including 2 children, during the reporting period. The government increased funding to these shelters in 2011 to help keep them operational during the year; local authorities and the MFA provided a combined \$105,000 to the Istanbul shelter during the year. The MFA also provided supplemental funding for the shelters in Ankara and Antalya in 2011, representing an improvement from the previous year when funding shortages caused one shelter's closure. The government continued, however, to lack a consistent funding mechanism to ensure sustainability and support for NGOs providing comprehensive care in these shelters. While the government encouraged victims to participate in trafficking investigations and prosecutions, most victims chose to return to their country of origin and declined to participate in prosecutions of traffickers. This was most often due to a lack of available legal aid to support victims during court proceedings, victims' perceived fear of authorities, the threat of retribution from traffickers, and slowness of court procedures. IOM assisted in the return of 35 trafficking victims who declined assistance from Turkish officials. The government continued to hold trafficking victims in immigration detention centers while IOM prepared their return procedures. The government offered foreign victims legal alternatives to their removal to countries where they would face retribution or hardship. Foreign victims may apply for humanitarian visas and remain in Turkey for up to six months with permission to work, with the option to extend for an additional six months. The government granted such a permit to one trafficking victim in 2011.

Prevention

The Turkish government demonstrated proactive steps to reform its anti-trafficking prevention efforts during the year. Its inter-agency working group on trafficking, established in August 2011, met regularly throughout the year to identify areas of weakness. The government continued to provide the equivalent of \$150,000 in annual funding for the operation of its national IOM-run anti-trafficking ("157") hotline. IOM continued to report that the highest percentage of calls came from clients of women in prostitution. During the year, the government distributed an identification form for police to use during anti-trafficking operations; however local experts reported the need for enhanced training to ensure more consistent implementation. The Turkish government provided anti-trafficking training to its military personnel prior to their deployment abroad for international peacekeeping missions. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor within Turkey. Prostitution by women who are Turkish citizens is legal under restricted conditions in Turkey; the government reported efforts to screen both brothels and women involved in street prostitution to identify potential trafficking victims. The government did not take any discernible steps to prevent child sex tourism by Turkish nationals traveling abroad.